IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL REVISION APPLIATION NO.6 OF 1999

The State of Maharashtra
(Through Dadar Police Station,
Mumbai) ... Applicant/
(Ori.Complainant)

V/s.

Dattu Jagannath Kamble
R/o.Rathi Modernmill Compound,
58/60 Bhatankar Marg, Elphinston,
Mumbai:25.

2. Prabhakar H. Madhavi
R/o.Rathi L.T. Nagar Zopadpatti,
Nr.Nilam Centre, P.B. Marg,
Room No.194, Worli,
Mumbai:18.

3. Madhukar A. Kamble
R/o.107, P.B. Marg,
Mumbai:18

4. Sheetal C. Pangopal
R/o.L.T. Marg Zopadpatti,
Bharat Hotel Opposite,
Worli-25. ... Respondents/
(Orig.Accused.)

Shri.D.P. Adsule APP for the State/Applicant.
None for Respondents.

CORAM : V.M. KANADE, J.

DATED : 12/01/2007

ORAL JUDGMENT:-

1. Heard learned APP for the State/applicant.

2. The State is challenging the order passed by Additional Chief Metropolitan Magistrate, 5th Court, Dadar, Mumbai, dated 4th September, 1998 in Criminal Case No.123/P/94. By the said order learned Additional Chief Metropolitan Magistrate refused to commit the case to the Court of Sessions for trial by modifying charge from Section 394 of IPC to Section 397 of IPC.

3. Rule was granted by this court on 07/07/1999. However, no stay has been granted by this court. It is possible by this time learned Magistrate must have tried accused on the basis of charge which is framed by him U/s.394 r/w 34 of IPC. Even otherwise after having perused the impugned order, I do not see any infirmity in the order. Therefore, no interference is called for with the impugned order while exercising revisional jurisdiction of this court. Criminal revision application is, accordingly dismissed.

V.M. KANADE J.